UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 7

WEBER AUTOMOTIVE CORPORATION

Employer

and

Case 07-RC-243919

DISTRICT LODGE 60, INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS (IAM&AW), AFL-CIO

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended (the Act), a hearing was held on July 5 and 8, 2019, before a hearing officer of the National Labor Relations Board (the Board). Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated to the undersigned its authority in this proceeding.

I. ISSUE

The Petitioner seeks to represent a unit of the Employer's employees comprised of all full-time and regular part-time Automation Technicians, Automation Specialists, Maintenance Technicians I, II, and III; Maintenance Specialists; Preventative Maintenance Technicians; and Maintenance Trainees as a craft unit. The Employer argues that the Petitioner's preferred unit is not appropriate because of the integrated nature of the Employer's operations. Therefore, the Employer seeks a wall-to-wall unit consisting of all hourly employees in the following classifications: Advance Planners, Automated Line Operators, Automation Technicians, Cleanliness Testers, CMM Operators, Environmental Health & Safety Coordinators, Engineering Technicians, Facilities Maintenance Technicians, Janitors, Logistics Floor Leads, Logistics Specialists, Maintenance Specialists, Maintenance Technicians, Maintenance Apprentices, Maintenance Spare Parts Technicians, Master Automated Line Operators, Master Shift Leaders,

¹ Unless otherwise specified, all dates herein are 2019.

² No employees currently occupy the Automation Specialist classification; it is simply a more experienced level of Automation Technician.

³ The 2(11) status of this classification was not explored at hearing, but the Employer's job description provides that the Logistics Floor Leads supervise Shipping and Receiving Clerks and Material Handlers. Further, the Employer's organizational chart has a line of responsibility for the Shipping and Receiving Clerks and Material Handlers job classifications from the Logistics Floor Lead and the Logistics Shift Lead.

Preventative Maintenance Technicians, Production Technicians, ⁴ Quality Analysts, Quality Auditors, Quality Technicians, Setup Technicians, ⁵ Shift Leaders, Shipping and Receiving Clerks, and Tool Setters.

Alternatively, the Employer argues that because seven other classifications also perform maintenance-type duties and otherwise share a community of interest with the petitioned-for employees, an appropriate maintenance-only unit must include Engineering Technicians, Facilities Maintenance Technicians, Janitors, Maintenance Apprentices, Maintenance Spare Parts Technicians, Production Technicians, and Set-Up Technicians, in addition to the petitioned-for classifications.

II. DECISION

A hearing officer of the Board held a hearing in this matter and the parties orally argued their respective positions prior to the close of the hearing. Based on the entire record of this proceeding and for the reasons set forth below, I find that the petitioned-for unit is inappropriate for the purposes of collective bargaining because it excludes employees whose interests are not sufficiently distinct from those of employees within the proposed group. However, because the Petitioner is willing to proceed to an election in a broader unit, I order an election in a functionally distinct, craft unit consisting of all full-time and regular part-time Automation Technicians, Automation Specialists, Maintenance Technicians I, II, and III; Maintenance Specialists; Preventative Maintenance Technicians; Maintenance Trainees; and Maintenance Apprentices. In addition, the smallest appropriate unit must include the plant clerical Maintenance Spare Parts Technician in order to avoid a one-person residual unit.

⁴ In its closing statement at hearing, but not in its statement of position, the Employer argued that Production Technicians must also be included in any maintenance-only unit found appropriate or in wall-to-wall unit. The Employer is precluded from making this argument because it failed to identify this job classification in its statement of position and therefore waived this argument, per Sections 102.63(b)(1)(i) and 102.66(d) of the Board's Rules and Regulations. I have nevertheless, considered whether, based on all of the evidence, Production Technicians should be included in a maintenance-only or wall-to-wall unit.

⁵ In its Statement of Position, the Employer did not state that Setup Technician Floaters should be included in an appropriate unit, and therefore waived this argument per Sections 102.63(b)(1)(i) and 102.66(d) of the Board's Rules and Regulations. I have, nevertheless, considered whether, based on all of the evidence, Setup Technician Floaters should be included in a maintenance-only or wall-to-wall unit.

⁶ See n. 4, supra.

⁷ See n. 5, supra.

III. RELEVANT FACTS

A. Overview of the Employer's Operations

Located in Auburn Hills, Michigan (the Employer's facility), the Employer manufactures automotive parts for use by automobile manufacturers utilizing various CNC machines. The Employer's facility employs approximately 150 hourly employees. All hourly employees wear the same uniform shirt: a polo shirt with the Weber logo. All hourly employees receive the same benefits: health insurance, dental insurance, vision insurance, life insurance, short-term and long-term disability insurance, tuition reimbursement, and access to a 6% 401(k) contribution match. All hourly employees who work afternoons receive 30 cents an hour shift differential; those who work midnights receive 40 cents. All hourly employees receive the same holidays, the same number of paid-time-off days, the same number of sick days, and are allotted vacation on the basis of service date. All hourly employees are subject to the same work rules. All hourly employees use the same timeclock, parking lots, and locker areas. There is one break area for all employees at the Employer's facility.

Training for employees is specific to their job classifications. Hourly employees' job-specific training includes both internal and external training. All hourly employees undergo the same basic safety training, active shooter training, benefits training and training on sexual harassment.

All recruiting, benefits, payroll, and training is administered through a single Human Resources department. Generally, the Employer seeks employees with same types of qualities that would be desirable to any employer: strong attention to detail; good problem solving abilities; possess excellent communication skills; ability to function in a team-based environment; maintain high ethical work standards; dependable, reliable, and punctual; able to complete job duties with a high percentage of accuracy; self-motivated with ability to work under minimal supervision; good organizational skills and ability to multitask; and the ability to use their time and skills in an efficient manner and have a responsible attitude.

The Employer's facility is organized along functional lines. It is led by Vice-President of Operations, Richard Chow-Wah. Jeremy Kijorli is the Head of Manufacturing Engineering; Achim Lohner is the Head of Quality; Gustavo Galoppi is the Head of Manufacturing; Andrew Garibian is the Head of Maintenance; and Ying Fan is the Head of Logistics. In turn, supervisors report to these department heads. The Employer's facility operates 24 hours a day, 7 days a week.

During the day shift, 6:45 AM - 3:15 PM, various supervisors, who are dedicated to their functional area, supervise the employees in that functional area, e.g. Manufacturing, Quality, Logistics, and Maintenance. The majority of the Employer's employees work during the day shift. Shift Superintendent Joe Johnson is responsible for all plant operations during the afternoon shift: 2:45 PM - 11:15 PM. Shift Superintendent Marcus Clinton is responsible for all

⁸ The record does not disclose what "CNC" stands for.

plant operations during the midnight shift: 10:45 PM - 7:15 AM. The Shift Superintendents have the authority to exercise the usual indicia of supervisory status set forth in Section 2(11) of the Act as to employees on their shift.

There is no record evidence of a history of bargaining at the Employer's facility.

B. The Maintenance Department

Richard Berner is the Maintenance Supervisor; Kenneth Trisch is the Facilities Supervisor. Berner and Trisch report to Head of Maintenance, Garibia Berner works the day shift; the record does not disclose what shift Trisch works. The hourly job classifications reporting to Maintenance Supervisor Berner are Preventative Maintenance Technician, Automation Technicians, Maintenance Trainees, Maintenance Technicians, Maintenance Specialists, and Maintenance Spare Parts Technicians. Maintenance Apprentices, a classification that was established in early 2019, for an Employer program that involves a combination of onthe-job training and formal education, currently report to Facilities Supervisor Trisch, but will report to Berner as they move forward in their training. The first Maintenance Apprentices were hired about the first week of June 2019.

Preventative Maintenance Technician, Automation Technicians, Maintenance Technicians, and Maintenance Specialists attend three stand-up briefings each day at 7:00 AM, 3:00 PM, and 11:00 PM. Maintenance Supervisor Berner runs the 7:00 AM and 3:00 PM meetings. Whether the Maintenance Trainees and Apprentices attend was not disclosed. The Maintenance employees generally hold the 11:00 PM meeting independently. The midnight shift Maintenance Technicians receive their work instructions from Maintenance Supervisor Berner by e-mail or from the afternoon shift Maintenance Technicians at the 11:00 PM meeting. Neither Shift Superintendent Johnson nor Shift Superintendent Clinton regularly attends the Maintenance department meetings. Maintenance employees on the midnight shift may seek direction from Berner by text or, more rarely, by telephone. Maintenance Technicians working midnights may ask Shift Superintendent Clinton for his opinion when tackling a repair, but they also simply consult one another and agree on a course of action without any management input. Maintenance Technicians have the independent authority to shut down a production line to effect machine repairs—without the permission or agreement of a Shift Superintendent. Berner also communicates his instructions to the Maintenance Technicians by e-mail.

The afternoon and midnight Shift Supervisors, like any supervisor in Manufacturing, can call a Maintenance technician to make a machine repair. The record discloses no instances of Maintenance department employees being hired, fired, disciplined, or promoted by either Shift Superintendent Johnson or Shift Superintendent Clinton during the afternoon and midnight shifts. Johnson and Clinton convey operations status, including the issues resolved by Maintenance department employees or the need for Maintenance's further action, in a daily offshift report.

1. Maintenance

Maintenance Technicians III, II, I, and Maintenance Specialists are a continuum of skill for a single job classification of hourly employees. These employees spend 95% of their time on the production floor. Maintenance Technicians III are the least skilled and Maintenance Specialists are the most skilled. Maintenance Technicians work all three shifts, but the majority work the day shift. Outside contractors perform electrical work at the facility that is not related to the internal workings of the Employer's machines. None of the Employer's Maintenance Technicians or Specialists are licensed electricians. The Employer has recently revised its job descriptions for the Maintenance Technicians and classified its current Maintenance Technicians according to the new descriptions.

Maintenance Technicians III and II, sometimes under technical guidance, ⁹ perform intermediate troubleshooting, repair and maintenance work on electronic control equipment such as automated machine controls, servomechanisms, etc., of standard design where a basic knowledge of electro-mechanical principles, plus specialized skills and techniques, are required to diagnose and repair malfunctions. Maintenance Technicians III and II use appropriate test instruments to diagnose troubles and operating problems and determine reason for malfunctions. They adjust, calibrate and align components and, when necessary, replace and connect parts to bring units to operating requirements. Maintenance Technicians III and II also assist Engineering to diagnose and analyze difficult operating malfunctions and to effect major, extensive or emergency repairs.

Maintenance Technicians I repair and maintain electronic control equipment and apparatuses associated with automated machine tools, servo-mechanism, etc., of electro-mechanical principles and equipment design, which requires broad technical knowledge, plus specialized skills and techniques. They diagnose and locate the trouble and the reason for malfunction and make needed repairs. Maintenance Technicians I replace, adjust and calibrate components to align control apparatuses to required operating specifications. They work closely with and coordinate procedures with engineers on the installation of new equipment or the change-over of plant layout requiring the movement of machines and control equipment. Maintenance Technicians I use special testing instruments.

Maintenance Specialists are experienced maintenance machinists. Under limited supervision and with minimal technical guidance, they produce replacement parts and new parts necessary to maintain and repair a variety of machinery and mechanical equipment. They lay out work, set up, and operate machine tools to perform machining operations on replacement parts. Maintenance Specialists examine machines and equipment to diagnose troubles, dismantle machines, replace defective parts and reassemble machines. They overhaul machines, including scraping of ways and bearings and fitting parts. Maintenance Specialists use a variety of hand tools and precision measuring instruments. They are typically a product specialist with the ability to train others. For example, Maintenance Specialist Peter Heinl was specially recruited from Germany to work on the Employer's 20-30 Grob machines.

⁹ The record does not disclose who or what provides the technical guidance.

In addition to the tasks above, Maintenance Technicians perform preventative maintenance. The Employer distinguishes between "basic equipment care" or BEC and "advanced equipment care" or AEC. Basic equipment care is regular cleaning of the workstations, of the CNC machines, and of the cells. This cleaning occurs on each day's shifts. Unlike Manufacturing job classifications, Maintenance department job classifications do not clean machines.

Advanced equipment care involves using tools. For example, measuring hydraulic pressures, taking measurements on collets and spindles to make sure they're not out of line, and filling fluids to ensure that they do not run out. AEC is performed by Maintenance Technicians, Automation Technicians, and Preventative Maintenance Technicians. A Maintenance Technician will also work with outside vendors in AEC. The record disclosed that when outside FANUC robot experts visit to perform a grease analysis for each of the joints, they work hand-in-hand with Maintenance Technicians and Automation Technicians.

Maintenance Technicians have large rolling cases of tools worth thousands of dollars that they use for work. These tools and cases are not supplied by the Employer, but are the Maintenance Technicians' personal property. Other job classifications that perform troubleshooting tasks, such as Setup Technicians and Production Technicians, are supplied by the Employer with a limited set of basic tools to make adjustments to machines when necessary. Maintenance Technicians are supplied by the Employer with high-voltage protective gloves. Maintenance Technicians carry meters that measure electricity and are issued laptops and cell phones by the Employer for updating SAP¹⁰ work orders. Among hourly employees, only Maintenance Technicians have key access to obtain necessary spare parts and replace them inside machines.

Maintenance Technicians III, II, I are expected to have a high school diploma or GED, formal technical training, and at least two years of experience. Although Maintenance Technicians are not required to have a journeyman's license in machine repair, three current Maintenance Technicians do have such licenses: Dan Curtis, James Carey, and Christopher N. Koop. Further, for Maintenance Technicians I, technical college courses in mechanical drawing, mathematics, blueprint reading, computers, and electronics and GD +T¹¹ knowledge are preferred; they must have knowledge of mechanics, pneumatics, hydraulics, and electronics; and understanding of electrical and mechanical drawings, power supplies, fuses, circuit breakers, disconnects, voltage requirements, filters, coolants, oils and greases, minor fabrication, general lighting and crane operations; the ability to read and interpret engineering drawings, blueprints, schematics and operation sheets; manual dexterity; and cutting technique and CNC technique experience. Maintenance Specialists are expected to have five or more years of experience. Maintenance Technicians must have a state-issued driver's license and be able to obtain a Weber-issued forklift license, overhead crane license; Genie boom lift license; and power

¹⁰ The record does not disclose what the initials "SAP" stand for, but this is apparently a database used to track production-related information.

¹¹ The record does not disclose what "GD+T" is.

platform license. Maintenance Technicians basic wage range is \$15.38 - \$36.18 an hour; Maintenance Specialists' basic wage range is \$38.00 - \$40.00 an hour.

Maintenance Apprentices and Maintenance Trainees work the day shift as hourly employees. Apparently, Maintenance Apprentices are external hires, while Maintenance Trainees are internal transfers. The Employer's recent revision of the position description provides that these positions are the first level of maintenance technician. The duties are to examine machines to diagnose trouble, dismantle machines, replace defective parts, reassemble machines and make necessary adjustments to ensure efficient operation. Further, with technical guidance, 12 these employees keep plant machinery and mechanical equipment in good repair. Much of the Maintenance Apprentice's and Trainee's time is spent assisting more experienced Maintenance Technicians. A Maintenance Apprentice's duties are, specifically, setting up, troubleshooting and repairing mechanics, pneumatics and hydraulics, including reading technical diagrams and schematics; understanding and repairing motors and drives; choosing or developing correct test procedures and using quality management systems; using manual and CNC machinery; understanding properties of different materials and how they affect production processes; selecting and performing correct joining technology, e.g. welding, brazing.

The record does not disclose whether Maintenance Apprentices and Trainees are issued high-voltage protective gloves. Maintenance Apprentices and Trainees are expected to have the following education, experience, and skills: 2 years of technical training and less than 1 year of experience, or equivalent. The record does not disclose whether these two classifications possess or are expected to be able to earn Weber-issued licenses for forklifts; overhead cranes; power platforms; or Genie boom lift license. The Maintenance Trainees' basic wage rate is \$15.00 an hour. There do not appear to be any employees currently in the job classification of Maintenance Trainee and there is no evidence of the basic wage rate for that job classification.

Preventative Maintenance Technician is an hourly position that exclusively is scheduled to work the day shift. Preventative Maintenance Technicians maintain and repair plant machinery including CNC machining centers, high-pressure washers, automation and leaktesting equipment, compressors and other plant equipment. The Employer considers Preventative Maintenance Technicians to be semi-skilled. They perform general maintenance that includes changing pumps, checking and changing filters, checking pneumatic gauges. After diagnosing a problem, the Preventative Maintenance Technician disassembles the equipment to repair or replace the necessary parts. They also follow and carry out the preventive maintenance program: monitor and control fluid levels, including hydraulic fluid and other oils, and monitor and change out filters and clean filtration systems on various pieces of equipment. Unlike Manufacturing department employees, Preventative Maintenance Technicians do not clean

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¹² See n. 9, supra.

¹³ An Automated Line Operator, Marcus Houston, is currently and temporarily performing Preventative Maintenance Technician duties. If determinative, whether Houston is eligible to vote is properly the subject of post-election resolution of challenged ballots, not the instant pre-election proceeding. Secs. 102.64 and 102.69 of the Board's Rules and Regulations.

machines. Like Maintenance Technicians, Automation Technicians, and Maintenance Specialists, Preventative Maintenance Technicians have large, wheeled tool chests, which they take from job to job; they are issued high-voltage protective gloves.

Preventative Maintenance Technicians have contact with Setup Technicians when they fill machine fluids. In the absence of a Preventative Maintenance Technician, a Setup Technician may perform this task. If a machine fault were identified and corrected by Engineering, Automation, or Maintenance that was related to a leak, a Preventative Maintenance Technician would be called to refill the necessary fluids. The record does not disclose how often such contacts occur.

Preventative Maintenance Technicians are expected to have the following education, experience, and skills: high school diploma or GED required; minimum of 1 year of experience in machine maintenance; ability to read and interpret drawings, blueprints, schematics and operation sheets; understanding of machine operations and capabilities; basic mechanical aptitude; demonstrated skill level and knowledge regarding lock out-tag out and other machine safety procedures; SAP knowledge preferred but not required—must be able to learn; knowledge of mechanics, pneumatics, hydraulics, electrical; manual dexterity; knowledge of Microsoft Excel and Word software applications; and a valid driver's license.

Automation Technicians work all three shifts and are hourly employees. According to the Employer's job description, Automation Technicians are in charge of providing technical solutions to automation-related tasks. They are responsible for designing programs for logic controllers, as well as providing maintenance for programmable devices used in production equipment. Automation Technicians also ensure correct performance of motion controllers and human machine interfaces. They repair and debug control devices to avoid production loss, as well as create documentation based on the schematics and wiring plans for each device. Automation Technicians create sketches of electrical circuits using specialized computer programs. They label circuit wiring, test and monitor equipment for compliance with engineering specifications and identify operational problems. Automation technicians document information concerning the machinery. They follow electrical regulations and inspect controllers to ensure code compliance. They are responsible for all aspects of automation and programmable logic controllers ("PLC") and robot support for manufacturing operations. They fix errors in the PLC or communication of the SAP Supervisor system and support the supervisor system for automation equipment. Automation technicians work with vendors on new and existing equipment and advise maintenance and skilled trade employees on technical issues, including training shift leaders and production workers on equipment. They help with the reconditioning of existing equipment, upgrade equipment for continuous improvement, and set up and troubleshoot communications between automation and CNC machines. Like Maintenance Technicians, Maintenance Specialists, and Preventative Maintenance Specialists, Automation Technicians are issued high-voltage protective gloves by the Employer and have personally-owned, large, wheeled tool chests that they take to jobs when called.

Like Maintenance Technicians, the services of an Automation Technician may be requested by telephone from a supervisor and a SAP work request is entered by a Setup

Technician. Automation Technicians have contact with Maintenance Technicians and Specialists when mechanical repairs require advanced computer permissions—or when what was believed to be a mechanical issue is determined to be automation-related. Further, a repair on June 21, 2019, required the participation of a Maintenance Technician, an Automation Technician, and the Engineering department.

Automation Technicians are expected to have the following education, experience, and skills: minimum of 5 years' job-related experience in programming PLCs, including Siemens, robot programming (Fanuc), and other automation equipment; ability to read and interpret drawings/blueprints/schematics/operation sheets; good understanding of machine capabilities; and SAP knowledge preferred. Automation Technicians basic wage rate ranges from \$29.85-37.32.

The **Maintenance Spare Parts Technician** works the day shift and spends most of her time in the tool crib. Although the issue of supervisory status was not explored at hearing, according to the Employer's organization chart, the Maintenance Spare Parts Technician has a direct report, the Spare Parts Assistant Adam Ratz.¹⁴ Yet, there does not appear to exist a formal Spare Parts Assistant job classification, and the Employer's job description for the Maintenance Spare Parts Technician does not list any supervisory responsibilities. The Maintenance Spare Parts Technician's duties are, generally, to maintain, inventory, and track maintenance spare parts as they are used on the production floor, and to order necessary parts.

Maintenance Technicians either retrieve parts from the tool crib as needed or they are delivered to the machine being serviced; the Preventative Maintenance Technician reports coolant, filter, and oil levels to the Maintenance Spare Parts Technician "regularly." There was no evidence adduced as to how often the other Maintenance job classifications interact with the Maintenance Spare Parts Technician. There is no evidence that the Maintenance Spare Parts Technician interacts at all with any classification in Manufacturing, Logistics, Quality, or Engineering.

Maintenance Spare Parts Technicians are expected to have the following education, experience, and skills: high school diploma or GED; minimum of 1 year of experience in spare parts or inventory control preferred; experience in a manufacturing setting desired; ability to read and interpret documents such as safety rules, operating and maintenance instructions and procedure manuals; experience with Microsoft Word, Excel and Outlook; SAP knowledge preferred but not required—must be able to learn it; excellent communication skills, specifically over the telephone and when dealing with internal customers. The Maintenance Spare Parts Technician's basic wage rate is \$21.39.

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¹⁴ At hearing, Petitioner contended that Ratz, who is designated by the Employer as a Maintenance Technician, is actually the Spare Parts Assistant, under which title he is listed on the Employer's organization chart. As the purpose of the pre-election proceeding is to determine appropriate classifications of employees, not the eligibility of individual voters, if determinative, whether Ratz is eligible to vote is properly the subject of a post-election proceeding to resolve such challenges, not the instant pre-election proceeding. Secs. 102.64 and 102.69 of the Board's Rules and Regulations.

2. Facilities

Reporting to Facilities Supervisor Trisch are the hourly job classifications of Maintenance Apprentices, Facilities Maintenance Technicians, and Janitors. While Maintenance Apprentices accompany, observe, and assist Maintenance Technicians in their duties as a part of their program, neither the Facilities Maintenance Technicians nor the Janitors perform any maintenance duties or assist anyone else in the Maintenance department. Nor do Maintenance Technicians, Automation Specialists, or Maintenance Spare Parts Technicians perform the duties of Facilities Maintenance Technicians or Janitors and assist them.

There is currently one Facilities Maintenance Technician. This employee works the day shift. The Facilities Maintenance Technician maintains the interior and exterior physical plant, including construction/renovation, lawn and snow removal, changing lightbulbs, trash, and "minor" plumbing, electrical, and automotive work. No evidence was adduced at hearing of what types of plumbing, electrical, and automotive repair work amount to such "minor" duties. Facility Maintenance Technicians do not repair or service the production machines. The Facilities Maintenance Technician is currently renovating a restroom, with assistance from the three Maintenance Apprentices. No evidence was adduced at hearing as to how many hours a day or week the apprentices spend on these duties. Facilities Maintenance Technicians are expected to have the following education, experience, and skills: high school degree or GED, Associates degree a plus; minimum 2 years of facilities maintenance experience; knowledge of electrical, plumbing and general repairs in a building/plant environment; work autonomously and be self-driven; knowledge of MS Work, Excel and Outlook; must have a valid state issued driver's license; must be able to obtain Weber-issued forklift; overhead crane license; Genie boom lift license; and power platform license. The Facilities Maintenance Technician's basic wage rate is \$26.71 an hour.

Janitors work the day and midnight shifts. They clean, sweep, mop, and polish the building and its fixtures, including the common areas such as restrooms, storage rooms, and the production areas. An outside contractor cleans the administrative offices. Janitors clean up spills and leaks in the plant and perform errands when needed. Janitors are expected to have the following education, experience, and skills: high school diploma or equivalent; 1 year of experience in custodial or general labor performing janitorial duties; floor sweeper experience; knowledge of MS Word, Excel and Outlook; a valid state-issued driver's license; must be able to obtain a Weber issued forklift license, and must be able to obtain general operator training on use of industrial floor sweeper/scrubber. The record does not disclose whether this training is internal or external. Janitors' basic wage rate is \$15.00-\$17.34 an hour.

C. The Production Department and Relevant Classifications

The Employer has five production lines for its three product areas: Ford transmission housing, "ZF"¹⁵ transmission housing, and General Motors engine blocks. The Ford and ZF

¹⁵ The record does not disclose what, if anything, "ZF" stands for.

products are made on two lines each. The remaining line is for GM engine blocks. Each line has a dedicated Shift Leader, Setup Technician, Automated Line Operators, Engineering Technician, and Maintenance Technician. Three Production Technicians assist the Shift Leaders, but they are not assigned to a specific line. Maintenance Technicians and Engineering Technicians are expected to assist with necessary repairs on all lines as needed—not just their assigned line. Except for Maintenance Technicians and Engineering Technicians, all of these classifications fall under the Manufacturing department. They report to various Production Supervisors, depending on the line to which they are assigned: Michael Todd, Patrick Cavanaugh, Joshua Gatzemeyer, and Tommie Lipscomb. The Engineering Technicians all report to Head of Manufacturing Engineering Jeremy Kijorli.

Shift Leader¹⁶ is an hourly job classification in the Manufacturing department. Shift Leaders work all three shifts. According to their job description, Shift Leaders

lead the production team at their assigned line to achieve production targets; safety, environmental, quality and throughout. They will use their interpersonal skills to coach and guide team members in completing tasks and will use their knowledge of machining and other manufacturing processes to ensure that the production line is able to produce parts at the required level of quality and volume to meet the targets. Shift Leaders will support the Production Supervisor in meeting daily, weekly, monthly and yearly production targets.

Shift Leaders report to the Production Supervisor for their line.

Like all of the employees in the Manufacturing department who work on the production lines, Shift Leaders may perform preventative maintenance on the Employer's CNC machines by cleaning out chips created in the manufacturing process. Like Setup Technicians and Production Technicians, Shift Leaders may perform troubleshooting (such as identifying and resetting faults) or testing activities prior to seeking the assistance of a Maintenance Technician when a machine has a problem. Former third-shift Shift Leader Nicholas T. Norman testified that he had assisted Maintenance Technicians by removing a bracket and removing a part while the Maintenance Technician sought a replacement. However, there is no evidence that any other Shift Leader performs such duties. The Master Shift Leader job classification is chiefly responsible for training the Manufacturing department's Automated Line Operators and Setup Technicians.

Shift Leaders are expected to have the following education, experience, and skills: a high school diploma or GED; minimum of 5 years job-related experience machining in a production environment. There is no evidence that any Shift Leaders are required to have or possess Weberissued licenses for cranes, hi-los, or Genie boom lifts. The pay of Shift Leaders ranges from \$24.48-\$29.58. The Master Shift Leader's wage rate is \$29.43.

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¹⁶ The 2(11) supervisory status of Shift Leaders was not explored at hearing. However, the Employer's job description specifically provides under "Supervisory Responsibility" that this job classification "Supervises production activities including the supervision of automated line operators and setup technicians."

Setup Technicians are hourly employees within the Manufacturing department and "support the Shift Leader in achieving production targets, safety, environmental, quality and throughout." Setup technicians work all three shifts. The Setup Technician uses their knowledge of machining and other manufacturing processes to ensure that the production line is producing parts at the required level of quality and volume to meet production targets. Setup Technicians (who are not Setup Technician *Floaters*) are assigned to a line; they report to the Production Supervisor for their line. Setup Technicians prepare the Employer's machines to run specific parts and make the necessary adjustments to the machines to produce parts that satisfy customer specifications. Setup Technicians troubleshoot and reset machines that are not functioning properly.

When machines are not functioning properly, Setup Technicians are allotted 15 minutes to recover the machines on their lines to proper functioning before requesting assistance through the Employer's SAP-based work ticket system. The work ticket goes to a central system where most employees can access it through the work stations on the production floor or, in the case of the Maintenance department, on the laptops that they carry with them. However, the Maintenance Technician is normally already aware of the need for their services by the time a work ticket is put in because a Manufacturing department supervisor has already called them on their Employer-issued cell phones. The Setup Technician explains the problem encountered to the Maintenance Technician (or Maintenance Specialist, Automation Technician, or Engineering Technician—as the case may be) and reviews the troubleshooting steps already taken. A Setup Technician may assist a Maintenance Technician by working a machine's controls while the Maintenance Technician observes the interior of the machine to diagnose the machine's problem. Then, the Setup Technician locks out the machine so that it can be repaired. As the repair progresses, the Maintenance Technician may provide status updates to the Setup Technician or the line's supervisor. If the repair involves making changes to the machines that could affect the parts produced, the Quality Department tests the parts before returning the machine to production. The Maintenance Technician then closes the work ticket and production resumes.

Setup Technicians have contact with the Preventative Maintenance Technician when the latter classification fills fluids and changes filters. Former third-shift Setup Technician Norman testified that he had changed a filter and filled fluids as preventative maintenance for machines and had "helped" Maintenance Technicians with hi-los and cranes and through the "HMI controls" during repairs. The nature of this "help" was not disclosed in the record. The record did not disclose whether any other Setup Technician had provided assistance to a Maintenance Technician using the hi-los, Genie boom lifts, forklifts, power lifts, or cranes. There is no evidence that any Setup Technicians possess Weber-issued licenses for this equipment.

Setup Technicians are expected to have the following education, experience, and skills, and training: high school diploma, GED, or vocational school courses in mathematics, blueprint reading, machining, or other manufacturing processes applicable to the Employer; minimum 2 years job-related experience machining in a production environment; ability to read and interpret engineering drawings/blueprints/schematics/operation sheets; ability to read and interpret CMM and other types of inspection reports; ability to use standard machining gauges such as micrometers, calipers and bore gages; ability to lead, train, and communicate effectively;

proficient in software applications: Word, Excel, and other production tools; SAP knowledge preferred, but not required; and ability to interpret SPC charts preferred, but not required. The basic hourly wage rate of Setup Technicians ranges from \$20.40-\$30.06. Setup Technician Floaters' basic wage rate ranges from \$22.55-\$31.34 per hour.

D. The Engineering Technicians

Engineering Technicians, according to the Employer's job description:

[p]rovide daily production support under direction of the appropriate line manufacturing engineer. Support all tool testing, process improvements activities, prototype runs, new program implementation and identify continuous improvements opportunities. Complete engineering PM[]s as assigned. Maintain CNC programs and manage program change control per documented process. Perform layered process audits as scheduled.

Engineering Technicians are hourly employees who work all three shifts. They report to the Head of Manufacturing Engineering, Jeremy Kijorli. Engineering Technicians are assigned to a specific line, but are expected to help out as needed for any line. On a daily basis, Engineering Technicians may inspect parts, work to recover machines that are down if the issue is engineering-related, and review data related to quality. Further, Engineering Technician Norman testified that he has cleaned chips out of machines, replaced air lines, made program adjustments, replaced a wire that popped out of a machine when he knew where it went, and tested new tools.

Norman testified that, as an Engineering Technician on Midnights, he has operated controls (presumably of the CNC machines) for Maintenance Technicians, provided Maintenance Technicians with codes, showed Maintenance Technicians where to replace tools in a machine, and worked with Maintenance Technicians James Wildey and Derrik Fields on July 2, 2019, to recover a tool change arm. Machine repair issues are moved from Maintenance to Engineering and vice-versa, as needed, which involves oral communication, face-to-face meetings, and written reports in SAP. Frequency of contact between Engineering Technicians and Maintenance varies—they might interact once a shift, several times during a shift, or once every few days for varying durations of a few minutes to several days. It is estimated that the Engineering and Maintenance job classifications have contact about five times a week.

Engineering Technicians are expected to have the following education, experience, skills, and training: Knowledge of cutting tool and CNC technology through two years of technical study or equivalent work experience; demonstrated skill with machine tools; ability to understand new manufacturing processes quickly; knowledge of MS Word, Excel and Outlook. The basic wage rate of Engineering Technicians ranges from \$30.98-\$32.72 per hour.

E. The Remaining Classifications at Issue

The remaining hourly classifications in the Employer's proposed hourly maintenanceonly or wall-to-wall units are within the Manufacturing, Logistics, Engineering, and Quality departments: Advance Planners, Automated Line Operators, Cleanliness Testers, CMM Operators, Environmental Health & Safety Coordinators, Logistics Floor Leads, Logistics Specialists, Master Automated Line Operators, Master Shift Leaders, Production Technicians, Quality Analysts, Quality Auditors, Quality Technicians, Shipping and Receiving Clerks, and Tool Setters.

The Quality job classifications apparently interact with Maintenance and Manufacturing in problem-solving machine repair, tooling, and customer quality-related issues. No detailed evidence was adduced at hearing as to frequency. Likewise, the Production Technicians interact with Maintenance in a manner similar to Setup Technicians in that they troubleshoot the machines, communicate their findings to the Maintenance Technician, and assist the Maintenance Technician in viewing and replicating the problem. Their contacts with Maintenance are estimated at three hours a week. The remaining job classifications have little to no direct interaction with the Maintenance department classifications. All of the above job classifications in Engineering, Quality, Manufacturing, and Logistics report to supervisors in their own functional areas—not to Maintenance Supervisor Berger or Head of Maintenance Garibian.

The essential terms and conditions of employment for these remaining classifications are found in the Appendix and vary widely in terms of wages (ranging from a low of \$13.82 for an Automated Line Operator to a high of \$38.25 for a Environmental Safety and Health Coordinator); education (from vocational classes, a high school diploma or a GED for an Automated Line Operator or Material Handler to a subject-specific college degree for a Quality Analyst or Environmental Safety and Health Coordinator); training (which is based on the job classification); and experience (1-7 years). Generally, the remaining hourly job classifications require familiarity with Microsoft software and SAP—or the ability to learn. Although several of these classifications' job descriptions indicate that the incumbent must be able to obtain a Weber-issued license for forklifts, there was no evidence presented that any other classifications in the Employer-proposed "expanded" maintenance-only unit or wall-to-wall unit must be able to obtain or possesses a Weber-issued license for cranes, hi-los, power platforms, or Genie boom lifts.

F. Employee Interchange and Transfers

There is little regular employee interchange between and among the Maintenance, Manufacturing, Engineering, and Logistics departments. The record discloses that Maintenance employees may take an overtime shift as an Automated Line Operator during heavy vacation use times such as holidays. Engineering Technician Norman, a former Setup Technician, is currently performing the role of Setup Technician on his production line on Midnights. An Automated Line Operator, Marcus Houston, is currently performing Preventative Maintenance Technician duties while Maintenance Technician Delbert Alexander is on leave. On unknown dates, Automation Technicians Ainie Smith and James Wildey have worked as Setup Technicians-both were formerly Setup Technicians. The new Maintenance Apprentices have worked intermittently as Automated Line Operators to cover absences and learn the production cycle. The record does not disclose how often this has occurred. And, as noted above, the Maintenance

Apprentices have also assisted the Facilities Maintenance Technician in the ongoing restroom renovation project. Again, however, the frequency is unknown.

As to permanent transfers, there is evidence of a handful of permanent transfers at some time in the past from Manufacturing to Maintenance: Automation Technicians Ainie Smith and James Wildey transferred from Setup Technician positions in Manufacturing, Maintenance Technician Del Alexander was formerly an Automated Line Operator, Preventative Maintenance Technician Percy Dudley was formerly in Manufacturing in an unknown position. Engineering Technician Norman transferred from the classification of Setup Technician in Manufacturing in 2018. In the last year, Maintenance Technician Melissa Pauli received a promotion to Master Shift Lead in Manufacturing, Jeffrey Farrell transferred from an unknown position in Manufacturing to Engineering Technician, and Janitor Shermaine Jamison transferred from Manufacturing to Facilities.

IV. ANALYSIS

I conclude that an appropriate Unit of all full-time and regular part-time Automation Technicians, Automation Specialists, Maintenance Technicians I, II, and III; Maintenance Specialists; Preventative Maintenance Technicians; Maintenance Apprentices; and Maintenance Trainees constitutes a craft unit of highly-skilled maintenance employees and is appropriate for the purposes of collective bargaining in that they share a community of interest sufficiently distinct from excluded employees. Further, consistent with Board policy regarding residual units, I conclude that the Maintenance Spare Parts Technician must be included in the Unit in order to avoid this employee being unable to exercise her Section 7 right to representation.

1. Community of Interest Standard

When examining the appropriateness of a unit, the Board must determine not whether the unit sought is the only appropriate unit or the most appropriate unit, but rather whether it is "an appropriate unit." Wheeling Island Gaming, 355 NLRB 637, 637 n.1 (2010) (emphasis in original) (citing Overnite Transp. Co., 322 NLRB 723 (1996)).

In determining whether a unit is appropriate, the Board looks at whether the petitionedfor employees have shared interests. See *Wheeling Island Gaming*, supra at 637.

Additionally, the Board analyzes "whether employees in the proposed unit share a community
of interest *sufficiently distinct* from the interests of employees excluded from that unit to
warrant a separate bargaining unit." *PCC Structurals*, 365 NLRB No. 160, slip op. at 11
(2017) (emphasis in original). See also *Wheeling Island Gaming*, 355 NLRB at 637 n.1 (the
Board's inquiry "necessarily proceeds to a further determination of whether the interests of the
group sought are *sufficiently distinct* from those of other employees to warrant establishment
of a separate unit"). In weighing the "shared and distinct interests of petitioned-for and
excluded employees [...] the Board must determine whether 'excluded employees have
meaningfully distinct interests in the context of collective bargaining that *outweigh* similarities
with unit members." *PCC Structurals, Inc.*, supra (emphasis in original) (quoting *Constellation Brands U.S. Operations, Inc. v. NLRB*, 842 F.3d 784, 794 (2d Cir. 2016)). Once

this determination is made, "the appropriate-unit analysis is at an end." *PCC Structurals*, *Inc.*, 365 NLRB No. 160, slip op. at 11.

In making these determinations, the Board relies on its community of interest standard, which examines:

whether the employees are organized into a separate department; have distinct skills and training; have distinct job functions and perform distinct work, including inquiry into the amount and type of job overlap between classifications; are functionally integrated with the Employer's other employees; have frequent contact with other employees; interchange with other employees; have distinct terms and conditions of employment; and are separately supervised.

PCC Structurals, 265 NLRB No. 160, slip op. at 11 (citing United Operations, 338 NLRB 123 (2002)).

The Board is reluctant to leave a single employee out of a unit where that would result in that employee being unable to exercise Section 7 rights to representation. *Klochko Equipment Rental*, 361 NLRB No. 49, slip op. at 1 fn. 1 (2014); *Vecellio & Grogan*, 231 NLRB 136, 136–137 (1977); *Victor Industries Corporation of California*, 215 NLRB 48, 49 (1974).

2. Craft Unit Standard

Section 9(b) of the Act confers on the Board the discretion to establish the unit appropriate for collective bargaining and to decide whether such unit shall be the employer unit, craft unit, plant unit, or subdivision thereof.

A craft unit is defined as:

one consisting of a distinct and homogeneous group of skilled journeymen craftsmen, who, together with helpers or apprentices, are primarily engaged in the performance of tasks which are not performed by other employees and which require the use of substantial craft skills and specialized tools and equipment.

Burns & Roe Services Corporation, 313 NLRB 1307, 1308 (1994).

In determining whether a group of employees constitutes a craft unit, the Board looks at:

Whether the petitioned-for employees participate in a formal training or apprenticeship program; whether the work is functionally integrated with the work of the excluded employees; whether the employer assigns work according to need rather than on craft or jurisdictional lines; and whether the petitioned-for employees share common interests with other

employees, including wages, benefits, and cross-training.

Id. at 1308. In non-construction industry cases, "the Board has not limited its inquiry solely to these factors. Instead, the Board will 'determine the appropriateness of the craft unit sought in light of all factors present in the case," which include the community of interest factors set forth above. *Mirage Casino-Hotel*, 338 NLRB 529, 532 (2002) (quoting *E.I. du Pont & Co.*, 162 NLRB 413, 417 (1966)).

Where no bargaining history on a more comprehensive basis exists, a craft or traditional departmental group having a separate identity of functions, skills, and supervision, exercising craft skills or having a craft nucleus, is generally appropriate. See, e.g., E. I. du Pont & Co., 162 NLRB 413, 418–419 (1966); see also *Mirage Casino-Hotel*, 338 NLRB at 532–534; E. I. duPont (Florence Plant), 192 NLRB 1019 (1971). Thus, where maintenance employees are readily identifiable as a group whose similarity of function and skills create a community of interest such as would warrant separate representation, a maintenance unit is appropriate. American Cyanamid Company, 131 NLRB 909, 910 (1961). Yet, where the work of maintenance employees is not functionally distinct, the terms and conditions of employment are the same for all employees, and the maintenance work performed is merely routine and repetitive, as well as regularly performed by employees in other job classifications and in a highly integrated work environment, maintenance employees no not have a community of interest distinct from other employees. The F. & M. Schaefer Brewing Co., 198 NLRB 323, 325 (1971); Monsanto Company, 183 NLRB 415, 416 (1970); Cyprus Mines Corporation, 164 NLRB 1060, 1063-64 (1967). Taking these principles into consideration, then, I turn to a review of each relevant factor in the community of interest analysis for a craft unit.

3. The Community of Interest Factors

a. Departmental Organization

An important consideration in any unit determination is whether the proposed unit conforms to an administrative function or grouping of an employer's operation. *Buckhorn, Inc.*, 343 NLRB 201, 202 (2004) (citing *American Cyanamid Company*, 131 NLRB 909 (1961)). Here, the classifications sought by the Petitioner are all in the Maintenance department. With the exception of Maintenance Apprentices, Maintenance Spare Parts Technicians, Janitors, and Facilities Maintenance Technicians, the classifications sought by the Employer are not part of the same departmental organization. Further, Janitors and Facilities Maintenance Technicians comprise their own sub-department: Facilities. On the whole, I find that departmental organization weighs in favor of finding a shared community of interest with those excluded employees with whom the petitioned-for employees share a department and against such a finding with respect to excluded employees with whom the petitioned-for employees do not share a department.

b. Skills and Training

This factor examines whether disputed employees can be distinguished from one another on the basis of duties or skills. If they cannot be distinguished, this factor weighs in favor of including the disputed employees in one unit. Evidence that disputed employees must meet similar requirements to obtain employment, that they have similar job descriptions or licensure requirements, that they participate in the same employer training programs, or that they use similar equipment supports a finding of similarity of skills. *Brand Precision Services*, 313 NLRB 657, 257-258 (1994).

Here, the petitioned-for Maintenance Technicians, Maintenance Specialists, Automation Technicians, Maintenance Trainees, and Preventative Maintenance Technicians must have specific training and experience at the time of hire and undergo job-specific training. Moreover, under applicable law regarding craft units, while most of the petitioned-for employees have not participated in a formal apprenticeship program¹⁷—and the Board has repeatedly found it sufficient that employers required multiple years of experience at the time of hire without the need for a formal apprenticeship program. *Mirage Casino-Hotel*, 338 NLRB at 533 (citing *Wal-Mart Stores*, 328 NLRB 904, 907 (1999) and *Anheuser-Busch, Inc.*, 170 NLRB 46, 47 (1968)). Here, not only must the petitioned-for Maintenance employees meet experience or education requirements at the time of hire, but upon hire they undergo specialized training. Moreover, the Employer has recently instituted a formal apprenticeship program specially to train Maintenance Technicians.

While some of the Employer's other classifications do require certifications and each has their own specific job-related training, none requires the type of skills and training required for the petitioned-for employees. I find that skills and training weigh in favor of finding that the petitioned-for Maintenance classifications and their apprentices constitute a craft unit that shares a community of interest sufficiently distinct from the interests of the employees excluded from the unit.

c. Job Duties

This factor examines whether the disputed employees can be distinguished from one another on the basis of job functions. If they cannot be distinguished, this factor weighs in favor of including the disputed employees in one unit. Evidence that employees perform the same basic function or have the same duties, that there is a high degree of overlap in job functions or of performing one another's work, or that disputed employees work together as a crew, support a finding of similarity of functions.

The petitioned-for Maintenance employees and the Maintenance Apprentices have specific job duties that focus almost exclusively on the diagnosis and mechanical or automation-related repair of the Employer's equipment. While Setup Technicians and Production Technicians perform troubleshooting duties and make such minor repairs that can be

¹⁷ Three current employees have participated in a formal apprenticeship program.

accomplished in fifteen minutes or less, Maintenance employees are called by supervision for repairs should those techniques fail. Engineering Technicians' duties, likewise, do not overlap with those of the Maintenance job classifications.

Moreover, there is no evidence that any other job classification on the Employer's proposed wall-to-wall unit perform the duties of Maintenance employees—or one another's duties, for that matter. Even if they did, the Board has found that only employees who performed similarly skilled work more than 50 percent of the time and held the same level of certifications should be included in the unit with highly-skilled employees. See *Lockheed Aircraft Corporation*, 121 NLRB 1541, 1543 (1958) (welders). The same conclusion is warranted here, where none of the other employees who perform machine repair work akin to the work of the Maintenance employees do so for a significant portion of their time. I find that the lack of shared job function weighs in favor of finding that the petitioned-for Maintenance employees constitute a craft unit that shares a community of interest sufficiently distinct from the interests of the employees excluded from the unit.

d. Functional Integration

Functional integration refers to when employees' work constitutes integral elements of an employer's production process or business. Thus, for example, functional integration exists when employees in a unit sought by a union work on different phases of the same product or a single service as a group. Another example of functional integration is when the Employer's work flow involves all employees in a unit sought by a union. Evidence that employees work together on the same matters, have frequent contact with one another, and perform similar functions is relevant when examining whether functional integration exists. *Transerv Systems*, 311 NLRB 766 (1993).

The petitioned-for Maintenance classifications are functionally integrated in that they are all players in repairing and performing both basic and advanced maintenance for the Employer's equipment. However, the Maintenance Spare Parts Technician and the Maintenance Apprentices also are necessary parts of that function. Further, each functional department's role is necessary to the Employer's manufacturing process. The record is clear that Manufacturing would not be able to perform its duties without Maintenance, Engineering, Quality, and Logistics. More specifically, the apparently sensitive nature of the Employer's CNC machines mean that the Employer's lines are frequently down due to machine failures or breakdowns. Without the efforts of the Preventative Maintenance Technician, Maintenance Technicians/Specialists, Engineering Technicians, the Automated Line Operators and Setup Specialists would not be able to perform their duties. Likewise, the work of the production employees is monitored and continuously improved by Quality. And, without Logistics' work in receiving and shipping parts, which are maintained in inventory by the Maintenance Spare Parts Technicians, Maintenance could not perform repairs. All of the Employer's departments must be viewed as pieces of the whole production process.

I find that there is widespread functional integration here, and that factor weighs against finding that the petitioned-for Maintenance employees constitute a craft unit that shares a

community of interest sufficiently distinct from excluded employees. Yet, the integrated aspects of an employer's operation are but one relevant factor in determining the appropriateness or inappropriateness of a proposed unit. *Mallinckrodt Chemical Works, Uranium Division*, 162 NLRB 387, 399 (1966) (severance of an inappropriate unit denied).

e. Contact

The amount of work-related contact among employees, including whether they work beside one another, is a relevant consideration in the community of interest analysis. Thus, it is important to analyze the amount of contact employees in the unit sought by a union have with one another. See, e.g., *Casino Aztar*, 349 NLRB 603, 605–606 (2007).

The record establishes daily contact among the petitioned-for Maintenance employees in diagnosing machine problems and Maintenance department meetings. The record also establishes regular contact with some excluded employees—particularly the Maintenance Apprentices, Maintenance Spare Parts Technician, Setup Technician, Production Technicians, and Engineering Technicians, which is related to machine repair work. Although there was no evidence offered as to how frequently either type of such contacts occur, the record as a whole supports the conclusion that Maintenance, Automation, and Engineering do, at least on occasion, work together to resolve challenging breakdowns and make necessary repairs. Although the Maintenance Technicians usually work alone inside a machine, they may be assisted in diagnosis by other Maintenance or Manufacturing employees and they communicate repair status to a range of Manufacturing, Engineering, and Quality employees orally and in writing. Although there was no evidence offered as to how frequently either type of such contacts occur, the record as a whole supports the conclusion that Maintenance, Automation, and Engineering do, at least on occasion, work together to resolve challenging breakdowns and make necessary repairs. I find the record evidence regarding contact with non-Maintenance employees in the break area, trainings, and meetings is insufficient to establish meaningful contact. On balance, I find that the contact factor weighs against finding that the petitioned-for Maintenance employees constitute a craft unit that shares a community of interest sufficiently distinct from excluded employees. However, there was so little evidence adduced as to what contact the non-Maintenance employees have among and across their functional lines that I find this factor insufficient with regard to a wall-to-wall unit.

f. Interchange

Interchangeability refers to temporary work assignments or transfers between two groups of employees. Frequent interchange "may suggest blurred departmental lines and a truly fluid work force with roughly comparable skills." *Hilton Hotel Corporation*, 287 NLRB 359, 360 (1987). As a result, the Board has held that the frequency of employee interchange is a critical factor in determining whether employees who work in different groups share a community of interest sufficient to justify their inclusion in a single bargaining unit. *Executive Resources Associates*, 301 NLRB 400, 401 (1991) (citing *Spring City Knitting Company v. NLRB*, 647 F.2d 1011, 1015 (9th Cir. 1981)). Also relevant for consideration with regard to interchangeability is whether there are permanent transfers among employees in the unit sought

by a union. However, the existence of permanent transfers is not as important as evidence of temporary interchange. *Hilton Hotel Corporation*, 287 NLRB at 359.

The evidence of interchange is limited and generally vague. And, there is no evidence here that the excluded employees are trained to perform maintenance work. Rather, the record establishes that Engineering Technician Norman on the midnight shift regularly goes above and beyond his assigned duties. He is currently also performing the duties of Setup Technician on his shift. Norman has filled fluids and changed filters, which duties are normally performed by the day shift Preventative Maintenance Technician. Norman has also assisted Maintenance Technicians as they diagnose machines. However, it appears that this work is performed purely on a voluntary basis, and the tasks involved do not involve the skilled work performed by the Maintenance employees.

The voluntary performance of routine and unskilled preventive maintenance functions by a single production employee does not constitute significant interchange. *Capri Sun, Inc.*, 330 NLRB 1124, 1125 (2000) (citing *Red Lobster*, 300 NLRB 908 (1990) (the significance of temporary interchange is diminished when it is voluntary)). Production employees may also provide assistance to maintenance employees such as operating the controls of a machine while a maintenance employee troubleshoots or repairs the machine. However, such assistance does not require the inclusion of production employees in the Unit, since this work is unskilled and peripheral to the regular repair work performed by the maintenance employees. *Capri Sun, Inc.*, 330 NLRB at 1125 (citing *Ore-Ida Foods*, 313 NLRB 1016, 1020 (1994)). Even if production and maintenance employees perform some assigned overlapping preventive and light maintenance functions, where, as here, the functions performed by the production employees are generally lesser skilled and routine, the Board has found that some overlap of lesser-skilled duties does not negate the separate identity of the petitioned-for maintenance unit. *Burns & Roe Services Corporation*, 313 NLRB at 1309 n. 11 (1994) (citing *E. I. du Pont & Co.*, 162 NLRB 413 (1966) and *Dick Kelchner Excavating Co.*, 236 NLRB 1414 (1978)).

With regard to permanent interchange, the bulk of the evidence of permanent job transfers is of unknown date. The record fails to establish meaningful evidence of petitioned-for Maintenance employees permanently transferring into excluded positions.

I also find that the Employer routinely assigns machine repair work according to departmental lines, rather than need. Testimony and the Employer's SAP work tickets and reports demonstrate that as the nature of a machine breakdown is narrowed down, the repair work moves accordingly. For example, what was thought to be a mechanical problem may be discovered to be an engineering problem—or vice-versa. And the responsibility for the repair shifts accordingly. On balance, I find that the interchange factor weighs in favor of finding that the petitioned-for Maintenance employees constitute a craft unit that shares a community of interest sufficiently distinct from excluded employees.

g. Terms and Conditions of Employment

Terms and conditions of employment include whether employees receive similar wage ranges and are paid in a similar fashion (for example hourly); whether employees have the same fringe benefits; and whether employees are subject to the same work rules, disciplinary policies and other terms of employment that might be described in an employee handbook. See, e.g., *Overnite Transportation Co.*, 322 NLRB 347 (1996).

I find that the petitioned-for Maintenance employees have the same terms and conditions of employment as excluded employees with regard to uniforms, work rules, benefits, vacation, holidays, break room, restrooms, time clock, parking lots, lockers, and schedules. This tends to weigh against finding that the petitioned-for Maintenance employees share a community of interest sufficiently distinct from excluded employees. However, this factor has not proved determinative for the appropriate unit analysis in the craft unit context. *Anheuser-Busch, Inc.*, 170 NLRB at 46-47 (craft maintenance unit appropriate although production and maintenance employees had the same vacations, holidays, insurance, and other benefit plans and that they used the same parking lots, restrooms, and lunchrooms).

With regard to tools, it is clear that the Maintenance classifications, Setup Technicians, and Production Technicians use tools specific to the tasks performed. However, only the petitioned-for Maintenance employees have large rolling carts of personal tools, laptops, Employer-issued cell phones, and high-voltage protective gloves. In comparison, Setup Technicians and Production Technicians are provided basic crescent wrenches, basic screwdrivers, metric and standard Allen wrenches by the Employer. Further, the Board has found it significant that maintenance employees use personal tools of high value. *Capri Sun, Inc.*, 330 NLRB at 1125 (unlike the production employees, maintenance employees required to provide their own tools and higher skill level of the maintenance employees reflected in the cost of these tools, which was \$9,000-\$10,000). Maintenance Technician Koop estimated the value of his personal tools used at work at \$7,000. On balance, the evidence shows that the petitioned-for Maintenance employees use tools, equipment, and personal protection equipment not utilized by excluded employees. This fact weighs in favor of finding that the petitioned-for Maintenance employees constitute a craft unit with a community of interest sufficiently distinct from excluded employees.

The wages of the petitioned-for Maintenance employees are generally slightly higher than the wages of excluded employees in the Employer's proposed "expanded" maintenance unit. However, wages among all of the employees vary significantly and are based on level of skill and experience. Further, the range of Maintenance employees' wages are similar to the range of wages in the Employer's proposed wall-to-wall unit. On balance, I conclude that the issue of wages weighs against a finding that the petitioned-for Maintenance employees constitute a craft unit with a community of interest sufficiently distinct from excluded employees. See, e.g., *Mirage Casino-Hotel*, 338 NLRB at 531 (wage differential significant for purposes of craft unit where petitioned-for employees earned \$21 to \$23 per hour, but excluded employees earned \$11 to \$14).

In sum, I find that many terms and conditions of employment are shared by petitionedfor Maintenance employees and excluded employees, and thus, overall, this factor weighs against finding that the petitioned-for Maintenance employees constitute a craft unit with a shared community of interest sufficiently distinct from excluded employees.

h. Supervision

The fact that two groups of employees are separately supervised weighs against their inclusion in the same unit. See *Georgia-Pacific Corporation*, 156 NLRB 946, 949 (1966) (that a group of maintenance electricians is separately supervised weighs in favor of a separate unit). Yet, difference in supervision is not a per se basis for excluding employees from an appropriate unit. *Texas Empire Pipe Line Co.*, 88 NLRB 631, 632 (1950). The petitioned-for Maintenance employees report directly to a common supervisor—as does the Maintenance Spare Parts Technician. The newly-hired Maintenance Apprentices report to the Facilities Supervisor. However, because the Employer's intention is to move the apprentices to supervision by the Maintenance Supervisor, I do not find this distinction dispositive. The remaining employees in Production, Logistics, Quality, and Engineering are supervised separately—as are the employees working in Facilities.

Contrary to the Employer's contention, it is insignificant to this factor that all plant operations are overseen by Shift Superintendents on the afternoon and midnight shifts. *Yuengling Brewing Company of Tampa, Inc.*, 333 NLRB 892, 892-93 (2001). There was no evidence that either Shift Superintendent actually exercises supervisory authority different than that exercised by a day-shift Manufacturing supervisor with regard to the Maintenance employees. That is, they telephone Maintenance Technicians to alert them to a need for their services on the production line. And, the Employer does not contend that day shift supervisors in Manufacturing supervise Maintenance employees.

Likewise, that the Maintenance Technicians provide updates on the status of repairs to the Shift Superintendents and ask them for their opinions on the cause of a breakdown is no more than what the Maintenance Technicians do in communicating with a Setup Technician, Production Technician, or Engineering Technician when diagnosing a machine for repair. Such communication is not convincing evidence of supervisory authority. In fact, the midnight shift Maintenance Technicians typically consult only one another to decide how to proceed in a repair—and text or call Maintenance Supervisor Berner, if needed. Accordingly, I find that the supervision factor weighs in favor of finding that the petitioned-for Maintenance employees constitute a craft unit that shares a community of interest sufficiently distinct from the excluded employees. I also find that supervision weighs in favor of finding a community of interest with the excluded Maintenance Apprentices and the Maintenance Spare Parts Technician.

i. Summary

In conclusion, I find that departmental organization, supervision, skills and training, job functions, and degree of interchange and permanent transfers weigh in favor of finding that the petitioned-for employees share a community of interest sufficiently distinct from excluded

employees. I find that functional integration, contact, and general terms and conditions of employment weigh against finding that the petitioned-for employees share a community of interest sufficiently distinct from excluded employees. Moreover, I find that training, assignment of work along jurisdictional lines, shared common interests with excluded Maintenance Apprentices and Maintenance Spare Parts Technicians, and the Board's policy against one-person residual units support a finding that the petitioned-for Maintenance employees, with the addition of these two classifications, constitute an appropriate unit. In sum, I find that the record establishes that, pursuant to *PCC Structurals*, 365 NLRB No. 160, slip op. at 11, that employees in the unit I have found appropriate share a community of interest sufficiently distinct from the interests of employees excluded from that unit to warrant a separate bargaining unit. Moreover, I find that the evidence is insufficient to show that the Employer's proposed "expanded" maintenance-only unit¹⁸ or wall-to-wall units are appropriate.

V. CONCLUSION

Based upon the entire record in this matter and in accordance with the discussion above, I conclude and find as follows:

- a. The rulings at the hearing are free from prejudicial error and are hereby affirmed.
- b. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.
- c. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.
- d. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Sections 2(6) and (7) of

¹⁸ In this regard, the Employer's reliance on *Buckhorn, Inc.*, 343 NLRB 201(2004) does nothing to change my decision. There, the unit sought by the petitioner and found inappropriate by the Board, was similar to the "expanded" maintenance-only unit proposed here by the Employer in that it carved out a group of skilled maintenance employees and production and tooling employees who also performed minor preventative maintenance. *Id.* at 202. Yet, because the only employees performing functionally-distinct maintenance work were a small number of skilled maintenance employees and all employees otherwise shared essentially the same terms and conditions of employment, the Board concluded that the petitioned-for unit did not constitute a distinct, homogeneous group of employees. *Id.* at 203.

Similarly, the petitioner in *TDK Ferrites Corporation*, 342 NLRB 1006, 1006 (2004), cited by the Employer, sought a bargaining unit of traditional maintenance employees combined with tooling employees, production technicians, and setup employees who had minor maintenance-related duties, but who came into frequent contact with the remaining production employees and shared supervision and other terms and conditions of employment with them. The Board concluded that the petitioned-for employees did not constitute a distinct and homogeneous group of employees with interests separate and apart from other employees at the employer's plant. *Id.* at 1008. Thus, under Board precedent, the "expanded" maintenance unit proposed by the Employer is not appropriate. Neither *TDK Ferrites* nor *Buckhorn* compels a different conclusion than the one I have reached in this case.

the Act.

e. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time Automation Technicians, Automation Specialists, Maintenance Technicians I, II, and III; Maintenance Specialists; Preventative Maintenance Technicians; Maintenance Trainees; Maintenance Apprentices; and Maintenance Spare Parts Technicians employed by the Employer at its facilities in Auburn Hills, Michigan excluding all other employees, and guards and supervisors as defined by the Act.

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by District Lodge 60, International Association of Machinists & Aerospace Workers (IAM&AW), AFL-CIO.

A. Election Details

The election will be held on August 19, 2019 from 6:30 a.m. to 7:30 a.m. and 2:00 p.m. to 3:00 p.m. at Conference Room B, located at 1750 Summit Drive, Auburn Hills, Michigan.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **July 28, 2019**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

C. Voter List

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the regional director and the parties by **Thursday**, **August 8**, **2019**. The list must be accompanied by a certificate of service showing service on all parties. **The region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlrb.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlrb.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to

12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution.

Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 14 days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlrb.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.

Dated: August 6, 2019

Terry Morgan, Regional Director National Labor Relations Board, Region 07 Patrick V. McNamara Federal Building 477 Michigan Avenue, Room 300

Detroit, MI 48226

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Attachments

APPENDIX

Job Classification	Department	Shifts	Base Hourly Wage	Education, Training, Skills, and Experience
Automated Line Operators	Manufacturing	All	\$13.82- \$17.97	 High school disploma or GED or vocational school courses in mathematics, blueprint reading, schematics, and metalworking or drafting; Previous work experience in a manufacturing plant producing machined parts; Must be able to obtain a Weber-issued forklift license, including having a state-issued driver's license.
Material Handlers	Logistics	All	\$15.00- \$17.00	 High school diploma or GED. related vocational courses in manufacturing a plus; Minimum 2 years of job related manufacturing experience; Knowledge of MS Word, Excel and Outlook; Must be able to obtain a Weber-issued forklift license, including having a state-issued driver's license.
Logistics Specialist	Logistics	Days Midnights	\$16.00	 Associates degree or equivalent from two year college or technical school; 1 to 3 years of experience in shipping department, preferably in a manufacturing company; SAP knowledge preferred but not required, or must be able to learn; Proficient in customer communication systems (COVISINT); Knowledge of MS Word, Excel and Outlook Must be able to obtain a Weber-issued forklift license, including having a state-issued driver's license.
Quality Technician	Quality	Days Afternoons	\$16.80- 23.23	 Minimum high school diploma, GED or equivalent, college credits preferred; 2 -5 years' experience in inspection or auditing role, preferred; Experience with measurement tools (calipers, scales, gauges, etc.) preferred; Understanding of problem-solving techniques; Willingness to learn and attend job-related training; Previous SAP experience preferred, but not required, must be able to learn;

Cleanliness Testers	Quality	Days	• \$16.97	 ASQ Certified Quality Technician preferred; ASQ Certified Quality Improvement Associate preferred. Minimum High School Diploma, GED or equivalent; Prefer previous experience in a manufacturing environment, preferably in a Quality related department, but not Required; Understanding of problem solving techniques; Willingness to learn and attend job related training;
Production Technicians	Manufacturing	Days Midnights	\$17.50- \$19.57	 Proficient in MS Word, Excel, and Outlook. High school diploma, GED or vocational school courses in mathematics, blueprint reading, machining, or other
Ovolity	Onelity	Davis	\$17.51	 manufacturing processes applicable to Weber Automotive; Minimum 2 years job -related experience (manufacturing in a production environment); Mechanical proficiency; Experience working with automation including robots & PLCs; Proficient in software applications: Word, Excel, and other production tools; Good problem-solving abilities; SAP knowledge preferred, but not required; Ability to read and interpret engineering drawings/blueprints/schematics/operation sheets, preferred; Ability to use standard machining gauges such as micrometers, calipers and bore gauges, preferred; Interpreting SPC charts preferred, but not required.
Quality Auditor	Quality	Days	\$17.51- \$18.45	 Minimum high school diploma, GED or equivalent; Experience in metals and their properties; 2 -5 years' experience in inspection or auditing role; Proficient in reading technical drawings and documents; Experience with measurement tools including calipers, scales, gauges, etc.; Fundamental understanding of SOP's and work instructions;

				 Understanding of problem-solving techniques; Willingness to learn and attend job related training; Previous forklift experience preferred; Must possess excellent verbal and written communication skills; SAP knowledge preferred but not required; must be able to learn; Use time and skills in an efficient manner and have a responsible attitude; Valid Driver's License required, because of frequent travel to the customers' location; Must be able to obtain a Weber-issued forklift license, including having a state-issued driver's license.
Master Automated Line Operator	Manufacturing	Days	\$17.83- \$21.66	 High school diploma/GED; Read, write and follow work instructions; Use calipers, micrometers and other quality gages, preferred; or be able to learn; SAP knowledge preferred but not required; must be able to learn; Complete highly accurate work that requires concentration and physical effort.
Shipping and Receiving Clerk	Logistics	Days	\$18.36- \$19.57	 High school diploma or GED; Minimum 1 year of job related experience, shipping multiple parts in a manufacturing environment preferred; SAP knowledge preferred, but not required; must be able to learn SAP; Knowledge of MS Word, Excel and Outlook Must be able to obtain a Weber-issued forklift license, including having a state-issued driver's license.
CMM Operator	Quality	Afternoons Midnights	\$21.48	 High school diploma; Educated in a metal-related profession; Minimum of 2 -3 years' experience in quality lab work, experience with Zeiss CMM machines; Proficient in Microsoft software applications; Word, Excel and other quality tools; Most possess excellent verbal and written communication skills.
Logistics Floor Lead ¹⁹	Logistics	Days	\$23.46	Associate degree from two-year college or university, 1 to 2 years related experience

¹⁹ See n. 3, supra.

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Tool Setter	Engineering	Days Afternoons	\$24.64- \$26.23	and /or training or equivalent combination of education and experience; Minimum of 1 year supervision of work flow experience in the areas of materials management and inventory control preferably within the automotive industry; Demonstrate superior planning and organizational skills; Desire to own decisions and take responsibility for outcomes; SAP knowledge preferred, but not required; must be able to learn SAP; Knowledge of MS Word, Excel and Outlook; Must be able to obtain a Weber-issued forklift license, including having a state-issued driver's license. High school diploma, GED or vocational school courses in mathematics, blueprint reading, schematics, metalworking, and drafting; Minimum 5 years job related experience (machining); Cutting technique and CNC technique experience; Demonstrated ability to work effective in cross-functional teams; Ability to read and interpret engineering drawings, blueprints, schematics and operation sheets; Knowledge of metric system measurement; Good problem-solving abilities; Proven mechanical aptitude; Understanding of the machine/tool capabilities; SAP knowledge preferred but not required; must be able to learn; Knowledge of Microsoft Word, Excel and Outlook.
Quality Analyst	Quality	Days	\$32.21- \$33.92	 High school diploma or GED; Bachelor Degree in Quality preferred, or equivalent work experience; Minimum 5 -7 years of experience in the area of Quality; Statistical Process Control; Basics in CMM technology; Basics in Part metrology; Sound knowledge in measuring techniques; Self-motivated with ability to work under minimal supervision;

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				 Lead, train and communicate effectively; ASQ-certified Quality Engineer or technician, preferred.
Advance Planners	Logistics	Days	\$36.95	 Bachelor's degree, strongly preferred; 3-6 years planning experience; related production planning/material experience and inventory control; Experience with ERP software implementation preferred; Demonstrated knowledge with SAP or EPICOR; must be able to learn SAP; Demonstrated knowledge of MRP and bill of material maintenance; Working knowledge of Sale Inventory Operations Planning (STOP); APICS certification, a plus; Proficient in software applications: Word, Excel, Outlook and other production tools; Ability to write and create databases in Excel required; Inventory management best practice experience, preferred; Mechanical aptitude and mental, physical and visual acuity; Automotive experience, preferred; Anticipates and prevents problems; Independent thinker; Must be able to obtain a Weber-issued forklift license, including having a state issued driver's license.
Environmental Health & Safety Coordinators	Quality	Days	\$38.25	 Prefer Bachelor's degree in Environmental Health and Safety or related area of study; Prefer 2+ years of experience in the area of EH &S, preferably in a manufacturing selling; Ability to maintain confidentiality; Gather data and formulate hypotheses, create policy, or present findings to management; Work effectively with all levels of the corporation; Ability to speak to groups of people; SAP knowledge preferred, but not required; must be able to learn SAP; Ability to lead, train and communicate effectively; Knowledge of MS Word, Excel and Outlook; GSP or higher, preferred.